IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.74332-M of 2006

DATE OF DECISION: FEBRUARY 23, 2007

Rajesh Kumar

...PETITIONER

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.Ajay Sharda, Advocate,
for the petitioner.
Mr.N.S.Gill, AAG, Punjab.
Mr.S.S.Brar, Advocate,
for the complainant.

...

Petitioner Rajesh Kumar, apprehending his arrest in a non-bailable offence in case FIR No.63 dated 1.11.2006 under Sections 406/420 IPC, registered at Police Station Mullepur, District Fatehgarh Sahib, has filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

While issuing notice of motion on November 28, 2006, the arrest of the petitioner was stayed subject to his joining the investigation.

I have heard the counsel for the parties.

Counsel for the petitioner contends that in the aforesaid case, Manjit Singh has been named as main accused and the entire payment is alleged to have been made to him, but it has been alleged that the said payment was made through the petitioner. Counsel also contends that the petitioner has nothing to do with the alleged offence and he has been falsely implicated. Counsel for the petitioner further contends that in terms of the interim order dated November 28, 2006, the petitioner has joined the investigation.

On January 25, 2007, counsel for the respondent-State sought time to argue the case as the investigating agency is yet to verify whether the alleged amount was deposited in the account of Manjit Singh in India. In

this regard, no verification has been done till date. However, counsel for the respondent-State does not dispute the factum of joining of the investigation by the petitioner and he further on instructions from ASI Bhupinder Rai states that the petitioner is no more required for further investigation.

In view of the above, the interim order dated November 28, 2006 is made absolute on the same terms and conditions.

Disposed of accordingly.

February 23, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE